

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
COLUMBUS**

Josue F. DeJESUS,
10710 Watkins Rd.,
Pataskala, Ohio 43062,

Plaintiff,

-vs-

City of PATASKALA,
621 Broad Street, SW, Suite 1D,
Pataskala, Ohio 43062-8118,

Defendant.

Mike (Michael) COMPTON, care of
City of PATASKALA,
621 Broad Street, SW, Suite 1D,
Pataskala, Ohio 43062-8118,

Defendant.

Case No. _____

Judge _____

COMPLAINT

1. 1983 claim (First Amendment)
2. State law civil rights action

JURY DEMAND

Now comes the Plaintiff by Counsel and for his cause of action says the following:

JURISDICTION

This Court has jurisdiction over the subject matter in this case and venue is appropriate in this District as all parties are residents of Licking County, Ohio and the cause of action for Suppression of Political Speech in violation of the First and Fourteenth Amendments to the US Constitution prosecuted as a 42 USC 1983 claim plead herein may be heard in this Court under 28 USC 1331 which states “(t)he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” A factually intertwined state tort law cause of action plead herein is also properly before this Court under the Court’s supplemental jurisdiction pursuant to 28 USC 1367 (a).

FACTS

1. Plaintiff Josue (Josh) F. DeJESUS is a 28 year old police officer and K9 handler and resident of Licking County, Ohio who is a former employee of the Defendant.
2. Defendant City of PATASKALA is a municipal corporation located in Licking County, Ohio. Defendant PATASKALA is a body politic is capable of suing and being sued in state and federal court. Ohio RC. 715.01. Defendant operates a police department that employed the Plaintiff. Defendant acts by authorized agents at all times relevant.
3. Defendant Mike (Michael) COMPTON is the Mayor of Defendant City of PATASKALA who has acted in his official and personal capacity to cause an injury to the Plaintiff as described in these pleadings using the power of the Mayor's office fraudulently and in violation of this oath of office to do so.
4. The most recent employment tour the Plaintiff had with the Defendant was between the dates of November 19, 2019 and December 12, 2024. The Plaintiff's wage was at least \$109,000.00/year plus benefits.
5. The Plaintiff was terminated from his employment on 12 DEC 2024. The Plaintiff was qualified and ready to perform his employment duties at all times relevant.
6. The limited excuse offered for termination was "due to the situation we've discussed over the last few weeks" said excuse created by Defendant's Chief of Police Bruce BROOKS.
7. The circumstances surrounding the termination of employment however are that on or about 25 JULY 2024 the Plaintiff acting anonymously engaged the Defendant City and its Police Department by email delivered to City Council to act in protest and petition seeking redress of a grievance for mismanagement, incompetence risking the lives of the public in the City of Pataskala and dishonest conduct by officers of the Defendant. A copy of the petition is attached as Exhibit 1-1 to 1 -2.

8. The Defendant employer was unjustified angry and we can infer perceived politically threatened about being criticized by an anonymous complainant about its incompetence, so it investigated the police department conducting officer interviews and doing on line research conducted by Detective Gary SMITH to identify the anonymous author, which was later determined as the Plaintiff.

9. The Plaintiff wrote the email using a *nom de guerre*, and after admitting he wrote the petition after being threatened with termination and the threat of taking his K9 dog he supported as like a family member from him, was suspended without pay for one day as punishment. A copy of the suspension order is attached as Exhibit 1-6. The Plaintiff was unable to keep his identity secret as he expected; although reasonably justified in seeking to do so as evidenced by the fact his authorship was held against him in a disciplinary event initiated by the Defendant when he was identified as having made the said writing.

10. On 10 DEC 2024 the Plaintiff was suspended again by Chief BROOKS pending a disciplinary hearing because of “the continuous lack of your integrity.” Plaintiff further responds that he had every civil right to oppose government practices he thought injured the public interest and his method of pursuing correction was entirely reasonable and justified.

11. This disciplinary event had no substantive documented accusation of misconduct and turns out was based a petty claim the Plaintiff damaged his patrol car when a push bumper was alleged scratched by his contacting it with a plastic molding on a bank ATM machine during a patrol. The Defendant never repaired the alleged damage. The alleged damage was a scratch that was so slight one could not detect it without having it being pointed out. Other officers working for the City drive their patrol cars into objects in the line of duty and are not fired for it nor is bumping a bumper a termination offense or a violation of any Defendant City policy to scratch a bumper of a patrol car in the line of police patrol duty.

12. Based on information and belief, the real motivation for the Plaintiff’s termination was that the Mayor of the Defendant City one Defendant Michael COMPTON was angry the Chief gave the Plaintiff a one day suspension for writing his email, *supra*; was angry the Plaintiff wrote and

published the email to City Council, was personally embarrassed by having his leadership failures made public in a City Council meeting, and acted on a motive to retaliate by using his influence over the Police Department and its Chief to cause the Plaintiff's termination by the City using the patrol car accident as an insincere and pretextual termination excuse. Terminating the Plaintiff, a brave patrol officer, was against the City's own best business interest and the interest of the general public welfare in PATASKALA.

13. The said email is protected speech under the US Constitution First Amendment and the Ohio Constitution and the Due Process Clause of the 14th Amendment and Art 1, Sec 16 of the Ohio Constitution:

Ohio Const. §11 "Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press. ..."

US Const. First Amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

14. The email *supra* was in effect private party speech written outside the line of Plaintiff's police employee duty, was not written pursuant to a desire to adjust a personal labor dispute with an employer or for personal gain, but to protect the public safety of the people of the City of PATASKALA and correct police department mismanagement by bringing a public interest problem to the City Council's attention, and the email is thus protected speech for which Plaintiff may not be punished by an employer who terminates him in retaliation because he identified the government employer as having deficiencies complained of in the email that if left unresolved could harm the greater public.

15. The Plaintiff had a property right to his continued employment by virtue of being a party to a CBA with a just cause for termination provision. There is no CBA remedy at issue in this

lawsuit, however and this case is not preempted by any labor agreement as the CBA does not require interpretation to resolve the issue of the Defendant's liability for a civil rights violation or to determine Plaintiff's remedy for the civil rights violation in issue.

16. The Defendant City's retaliatory conduct in terminating the Plaintiff's employment amounts to a government violation of his First Amendment rights under the US Constitution while the Defendant by its agents were acting under color of law, such conduct causing damages remedied by 42 USC 1983.

42 U.S.C. 1983 states, in relevant part:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress
* * *.

17. The conduct of the Defendant's Mayor and agents of the City amounts also to intimidation of a public officer and violation of the Plaintiff's civil rights under the Ohio Constitution. Ohio RC 2921.45 states:

(A) No public servant, under color of the public servant's office, employment, or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.

(B) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree.

Moreover, RC 2307.60 (A) (1) states:

"Anyone injured in person or property by a criminal act has, and may recover full damages in, a civil action unless specifically excepted by law, may recover the costs of maintaining the civil action and attorney's fees if authorized by any provision of the Rules of Civil Procedure or another section of the Revised Code or under the common law of this state, and may recover punitive or exemplary damages if authorized by section 2315.21 or another section of the Revised Code."

18. As a direct, proximate and foreseeable consequence of the Defendant's conduct, the Plaintiff was damaged by the loss of valuable employment career and opportunity, loss of benefits, lost reputation, suffered loss of income, suffered emotional distress including anxiety, anger, fear and humiliation, and suffered the loss of companionship of his K9 police service dog.

19. Defendant's conduct was intentional and malicious. The Defendants do not have immunity from these charges.

WHEREFORE, the Plaintiff demands JUDGMENT against the Defendants, jointly and severally in an amount of at least one million dollars for compensatory and if available punitive damages, interest, costs and attorney fees.

JURY DEMAND

Plaintiff demands a jury trial by 8 jurors.

Respectfully Submitted,

/s/ Michael Terrence Conway, Esq.
Michael T. Conway, Esq.
Ohio Reg. No. 0058413
SD Texas Reg. No. 925875
Michael T. Conway and Company
3456 Sandlewood Dr.
Brunswick, Ohio 44212
(330) 220-7660 (voice-fax)
Xray2Alpha@aol.com

8/7/24, 12:56 PM

Mail - Bruce Brooks - Outlook

Fwd: The pataskala police department

Mike Compton <mcompton@ci.pataskala.oh.us>

Thu 7/25/2024 12:37 PM

To: Bruce Brooks <bbrooks@pataskalapolice.net>

Get Outlook for iOS

From: pataskala pd <anonppd@yahoo.com>

Sent: Thursday, July 25, 2024 11:33:54 AM

To: Dustin Epperson <depperson@ci.pataskala.oh.us>; Jude Hampshire <jhampshire@ci.pataskala.oh.us>; Mike Compton <mcompton@ci.pataskala.oh.us>; Andy Walther <awalther@ci.pataskala.oh.us>; Tom Lee <tlee@ci.pataskala.oh.us>; Tim Hickin <thickin@ci.pataskala.oh.us>; Chris Sharrock <csharrock@ci.pataskala.oh.us>; Jamie Nicholson <jnicholson@ci.pataskala.oh.us>

Subject: The pataskala police department

CAUTION: This email message came from an external (non-city) email account. Do not click on any links within the message or attachments to the message unless you recognize the sender's email account and trust the content.

Ladies and gentleman of Pataskala City and Council. I come to you anonymously out of fear and anger. I write you this email as a member or past member of the pastakala police department. This email is being written from a personal device on my own free time. And my words are words from multiple police officers within your department. I'm writing you this email to make you aware of problems within the pataskala police department. There are PLENTY of issues within internally between patrolman and the current administration. The current leadership of this police department does not do things appropriately or fairly to its patrolman. Officers are afraid to speak up because when they do, the admin comes down on them, moves their schedule, or alters their ability to do things. (a recent grievance was won from the FOP against the current admin if you are not aware. In response to the FOP winning the grievance, the administration took away all training to its patrolman. HOWEVER the admin is okay to adjust patrolman's schedules so a softball tournament can be played.) What this means for the city is that if the city is sued, the patrolman just has to tell the attorneys they are not allowed to attend training because the admin did not allow it. The current admin does not respect the term "seniority". Officers that have been there for 5-10 years are not allowed to get any kind of seniority preference over shifts. The admin currently uses "management right" per the contract and refuses to allow the FOP to get shift bids. The pastalala police department is the only PD in central Ohio that does not utilize shift bids. This causes dramatic issues to patrolman and their families. Seasoned officers who have been at the pd who deserve to have a decent schedule are not allowed by the current admin because they cater to certain officers. Officers that have been at the police department for under two years get the right to move around as they want and get weekends off. If any of you are familiar, about 5-10 years ago the police department lost SEVERAL seasoned officers who had 5+ years experience leaving the police department "young" because of these same issues. These officers have since moved on and are now promoted, or moved to a detective division within their new agencies. You don't get these opportunities with the pataskala police department because the current admin just picks someone to take over new seniors without offering it to the whole department. The admin stated that they utilize management right to make sure the schedule is "rounded

8/7/24, 12:56 PM

Mail - Bruce Brooks - Outlook

and fair” well adding two new supervisor positions to the roster makes sure that every shift has a supervisor on it... therefore every shift is fair and rounded... there’s no reason why officers with one year at the city should be on dayshift with good days off while 4-5 year officers are forced to nights. As you all know, the admin just pitched to you all the current “need” for two new supervisors. This was not all a need. When there is not a supervisor at work, the department utilized “OIC”. The OIC’s were just promoted to supervisor.. When the department asked for two new supervisor spots, they hand selected the new supervisors before the council accepted the pitch and automatically promoted someone to a detective without offering it to the whole police department. I was told that the admin offered the supervisor positions at last minute to the whole shift however they already had their minds made up who they were selecting before the email went out and talked about it publicly. An email never went out to the office for a detective position. And just recently the admin selected Ofc Finley to a SRO position over an officer who has 11 years of experience. This position was never offered to everyone at the police department. And now ofc Finley is scheduled as a dayshift officer from night shift and officers who have been with the city for 5+ years want to go to day shift. The unfairness is shameful and officers are prepared to voice their opinions to the lodge of the fop privately. ofc Finley has less than two years of experience with the pataskala police department and was recently reported and CONFIRMED that she threw away evidence of a case from a scene that she collected then lied about it to prosecutors. this behavior should of ofc finley on the Brady list to ever testify in court. When ofc Finley’s supervisor was notified of her multiple policy violations he swept it under the rug and refused to handle the situation with any disciplinary action. If you pull her file you will not see she was reprimanded. But if you pull the file of officers who the current admin does not like, you will find reprimand. Your department hired officer downing and k9 raider and put him on dayshift when current k9 officers asked to work dayshift and were told by sgt McGeorge that chief brooks said no. This is wrong. How can we allow a nre officer whos on probation the better schedule than your current loyal officers. This is a huge problem within the police department. The officers that are liked by the admin do not get reprimanded and they are going to get the city sued for violating the public’s 4th amendment right. And this is why people leave. The current administration is not fair to anyone unless they want to be. These issues are going to cause a drastic exodus and officers are going to leave to elsewhere because they are tired of the unfair treatment. Officers know they can’t speak up because if they do they will be moved to night shift with bad days off. Or if they file a grievance they will take away whatever is Grievated just like they did for training. A police department that does not allow their officers to train is a very bad look for the city. And an administration that does not care about their officers and does not treat seniority fairly will cause the department to be where it was a few years ago with no seasoned officers. I encourage you all to ask the current admin about the way they run things. The city of Whitehall just last week had officers come into the council meeting and express their concerns about their department. Pataskala officers are afraid to do the same... but they want to. Certain officers within the pataskala police department have been written up for “policy violations” and other officers have committed the same violation. When it’s brought up to the administration they do not treat other officers the same. There have been several situations where only certain officers have been disciplined and officers who are “liked” get no discipline. The current administration and way of doing things is going to ruin your police department. Please do your part to make sure this does not happen. A lot of good officers work for your department who are currently looking for other Jobs. And they’ll get them. I’m sorry this was a long read. This is a last ditch effort for you to fix your department before it falls apart. Its more than a money issue. The admin is failing your officers. If i forgot any council or important parties please forward this on.



Outlook

One Day Suspension

From Bruce Brooks <bbrooks@pataskalapolice.net>

Date Tue 10/22/2024 3:56 PM

To Josh Dejesus <jdejesus@pataskalapolice.net>

Cc Andrea Johan <ajohan@fopohio.org>; Jamie Nicholson <jnicholson@ci.pataskala.oh.us>; Mike Boals <mboals@pataskalapolice.net>

Officer DeJesus,

As discussed yesterday, you have been given a one (1) day suspension without pay. You will serve your suspension on Wednesday, October 30th, 2024.

Respectfully, Bruce Brooks, Chief of Police

Chief Bruce Brooks #14
Pataskala Division Of Police
623 West Broad Street
Pataskala, Ohio 43062
740-927-5701